

RECEIVED  
CENTRAL FAX CENTER

OFFICIAL

OCT 01 2003

Docket No. AB-209U

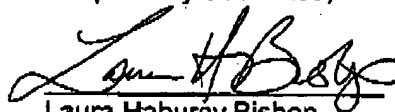
Remarks

The Examiner advised applicant that the previous reply was not fully responsive because applicant failed to elect a species. (For a reply to a restriction requirement to be complete, applicant must include an election of the invention to be examined even though the requirement be traversed. 37 CFR 1.143.) Thus, applicant has provisionally elected species I/ Fig. 1, claims 1-11 and 15-20, with traverse.

In the Office action dated June 13, 2003, it is alleged that, currently, no claims are generic. Applicant respectfully submits that independent claims 1 and 19 are generic claims that describe the species of all the figures listed in the Office action of June 13, 2003. For instance, each species listed includes a reservoir, a driver, a control circuit, and a data receiving circuit, as required by claim 1. As such, applicant respectfully requests reconsideration and modification of the restriction requirement, and indication that claims 1 and 19 are generic.

Thus, applicant does not traverse on the grounds that the species are not patentably distinct, but that original independent claims 1 and 19 are generic. Applicant has provisionally elected species I/ Fig. 1, claims 1-11 and 15-20 to meet the requirements of 37 CFR 1.143, as directed by the Examiner and requests reconsideration as described above.

Respectfully Submitted,

Sept 30, 2003  
Laura Haburay Bishop  
Reg. No. 47,424

Address all correspondence to:  
Bryant R. Gold  
Advanced Bionics Corporation  
12740 San Fernando Road  
Sylmar, CA 91342  
Fax: (661) 362-1507

Direct telephone inquiries to:  
Laura Haburay Bishop  
Telephone: (661) 362-1906  
Fax: (661) 362-1507

Appl. No. 10/057,144  
Response dated September 30, 2003  
Reply to Office action of September 24, 2003

Page 2 of 2